



MINUTES OF THE COMMON COUNCIL

TUESDAY, SEPTEMBER 19, 2017, 7:00 P.M.

COUNCIL CHAMBERS

ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Vanessa Chavez. Alderpersons: B. Dorff, T. DeWane, W. Galvin, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, J. Vander Leest, T. Sladek. Excused late: A. Nicholson.

Pledge of Allegiance.

Invocation.

Moved by Ald. DeWane, seconded by Ald. Scannell to approve the minutes of the August 15, 2017, meeting. Motion carried.

Moved by Ald. Dorff, seconded by Ald. Scannell to approve the agenda. Motion carried.

REPORT BY THE MAYOR

Mayor Schmitt thanked the employees who have helped out in the recent disasters. He also thanked the Packers for the Titledown Park.

Human Resources Director Lynn Boland is retiring.

Darren Olson, a City snowplow driver, won the 28th Annual WI Snowplow Rodeo. Josh Brassfield, Steve Gandy and Kelly Stacie scored 100% on the written test.

Walk a Mile in Her Shoes will be held October 19 at Hagemeister Park.

RECOGNITION

Recognition of Captain Kevin Warych for receiving the “International Association of Chiefs of Police 40 under 40” award.

Police Chief Smith spoke about Captain Warych receiving the recognition.

PRESENTATION

Presentation of proclamation to “Bring Your Own Five” group.

Chief Smith and Pastor Green spoke about the group. The Mayor and Chief presented a plaque to Pastor Green, Deacon Terry Cook and Sharon Harper.

APPOINTMENTS

NEW APPOINTMENT:

Community Development Block Grant Revolving Loan Fund Committee

Chad G. Van Handel, Term to expire: June 1, 2018

RE-APPOINTMENT:

Water Commission

Kathryn Hasselblad-Pascale, Term to expire: October 1, 2024

Moved by Ald. Moore, seconded by Ald. Nicholson to confirm the appointments. Motion carried.

RECONSIDERATION

Request by Ald. Zima and Nicholson to reconsider Item #5 of the Park Committee Report of August 9, 2017, which was acted on by the Common Council on August 15, 2017, regarding the deaccession of the 9/11 sculpture based on the findings of the 9/11 Sculpture Subcommittee.

The Mayor stated that this request was out of order.

Ald. Zima challenged the chair. An aye vote agreed with the Mayor.

Roll call: Ayes: Dorff, Galvin, Moore, Scannell, Sladek. Noes: DeWane, Nicholson, Nennig, Wery, Zima, Steuer, Vander Leest. Motion failed.

Moved by Ald. Zima, seconded by Ald. Wery to reconsider Item #5 of the Park Committee Report.

Moved by Ald. Wery, seconded by Ald. Steuer to suspend the rules to allow interested parties to speak. Motion carried.

Mike Mladenik, Crivitz, spoke against removing the memorial.

Barb Jack, Sherwood, designed the memorial and discussed what went into it.

Todd Ryan, Hobart, spoke against removing the memorial.

Jim Sanderson, 417 Cambridge Street, also spoke against removing the memorial.

Janet Angus wanted an answer to Barb's question to the Mayor about raising money to fix the memorial.

Moved by Ald. Nennig, seconded by Ald. Steuer to return to the regular order of business. Motion carried.

A roll call vote was then taken on the motion to reconsider Item #5 of the Park Committee Report of August 9, 2017.

Roll call: Ayes: DeWane, Nicholson, Galvin, Nennig, Moore, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: Dorff, Scannell. Motion carried.

Moved by Ald. Nennig, seconded by Ald. Sladek to refer the item to the Park Committee for further discussion before any additional action is taken on the subject. Motion carried.

PETITIONS & COMMUNICATIONS

ADVISORY COMMITTEE

Request by Ald. Zima that the Advisory Committee review the history of the Mayor's Beautification Committee and recommend an appropriate name as Mayor Schmitt has unilaterally disbanded the Committee.

INSPECTION DEPARTMENT

Request by Ald. Steuer and Wery to put together a plan of action to deal with the rat situation in the City, including existing budgets and potential monies needed to handle the situation.

PARK COMMITTEE

Request by Ald. Moore to review Council action and subcommittee work regarding decommission of the 9/11 Memorial with possible action.

Request by Ald. DeWane to change the deer hunting ordinance to hunt within the City limits from 100 yards to 50 yards for request permission from neighbors.

PERSONNEL COMMITTEE

Request by Ald. Dorff to determine the legality and practicality of imposing an 11:00 P.M. end time for City council meetings for June, July, August and September and to schedule a meeting for the Thursday the same week of each of these Tuesday monthly meetings to complete council business if needed.

PLAN COMMISSION

Request by Ald. Zima to review and update the "Green Bay Wisconsin Comprehensive Waterfront Plan 1995" to determine what can be done to complete the vision of that study.

PROTECTION & WELFARE COMMITTEE

Notice of the change of agent for Kwik Trip 420 at 1712 E. Mason Street.

Appeal by Kathy Guillett to the denial of her Operator License application.

Request by Ald. Wery and Steuer that the City develop a plan of action regarding the increasing rat problem on the west side of the City. To prevent the further spread of this growing issue, the plan is to include an informational campaign as well as direct eradication efforts by the City.

Request by Ald. Zima that the Protection & Welfare Committee review the current rat problems in the City and consider recommendations as to what the City could be doing to bring the rat problems under control.

TRAFFIC, BICYCLE & PEDESTRIAN COMMISSION

Request by Ald. Sladek to discuss with possible action allowing parking on the east side of South Point Road in the 1500 block.

Moved by Ald. Scannell, seconded by Ald. Galvin to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE PARK COMMITTEE

September 19, 2017

The Park Committee, having met on Wednesday, September 13, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To receive and place on file the update on the Baird Creek Preservation Foundation's achievements and goals.
2. To approve the request by an eagle scout to construct a section of boardwalk in the Baird Creek Greenway contingent upon:
 - All costs are the responsibility of the Eagle Scout;
 - All proper hold harmless agreements and permits being obtained;
 - All materials and supplies must meet City building codes;
 - Once installed, the boardwalk becomes City property;
 - Park staff approval of the design and installation plans;
3. To receive and place on file the tree removal fee for 340 N. Broadway.
4. To refer the request by Ald. Moore to enhance lighting at Farlin Park parking lot to Staff for further discussions on lighting options.

5. To approve the Wisconsin Public Service utility easement at Seymour Park contingent upon the Law Department review and approval of the easement.
6. To authorize the Law Department to commence a court action to vacate the parkway designation necessary to effectuate the property trade with Green Bay Dressed Beef (American Foods Group) at 1010 University Avenue for the development of the East River Trail Connection, per the Council's approval on June 20, 2017.
7. To approve the request by Dressed Beef (American Foods Group) for a driveway lease on Park property located on the 1100 block of University Avenue (Parcel 7-706-1) contingent upon:

The Law Department review and approval of the final agreement language;

- All proper permits and insurances being obtained;
 - Dressed Beef (American Foods Group) is responsible for all costs associated with the installation and maintenance of the driveway.
8. To receive and place on file the request by Ald. Steuer to look at ideas/or plans to connect the West Side Trail to the Fox River and East River Trails.
 9. To approve the purchase of 100 sets of picnic table frames from R.J. Thomas Mfg. Co. for \$18,645.
 10. To approve the Baird School property trade with the Green Bay School District contingent upon:
 - The Law Department review, approval and execution of the Property Trade agreement with the Green Bay School District.
 - The approval and execution of the revised shared facility use agreement between the City of Green Bay and the Green Bay School District.
 - The Green Bay School District to also fund dugout roofs for the relocated ballfield.

Moved by Ald. DeWane, seconded by Ald. Nennig to adopt the report with the exception of Item #4. Motion carried.

Moved by Ald. Sladek, seconded by Ald. Scannell to adopt Item #4.

Moved by Ald. Moore, seconded by Ald. DeWane to amend Item #4 to approve the request to add lighting at or near Farlin Park parking lot to be determined by staff, and to use 2018 CDBG Funding. Motion carried.

Moved by Ald. Moore, seconded by Ald. DeWane to adopt Item #4 as amended. Motion carried.

**REPORT OF THE GREEN BAY ECONOMIC DEVELOPMENT
AUTHORITY MEETING
September 19, 2017**

The Economic Development Authority having met on Wednesday, September 13, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To recommend council approve Term Sheet with Schwabe North America for Nature's Way Development at 954 Erie Road (Parcel 21-171-2) and 1024 Erie Road (Parcel 21-171-4), subject to minor legal and technical changes.
2. To direct staff to draft and execute Purchase and Sale Agreement(s) for 926 Erie Road (Parcel 21-171) and 1038 Erie Road (Parcel 21-171-1), not to exceed \$400,000 for both parcels.

Moved by Ald. DeWane, seconded by Ald. Scannell to adopt the report. Motion carried.

**REPORT OF THE GREEN BAY PUBLIC ARTS COMMISSION
September 19, 2017**

The members of the Green Bay Public Art Commission (GBPAC), having met on Wednesday, August 16, 2017 and August 23, 2017, considered all matters on its agenda and wish to report and recommend the following:

1. To approve the Letter of Support for Matt Bero's mural project "Felix the Fox".
2. To adopt the Annual Grant Program and Rotating Art Program scoring matrixes with the changes provided.
3. To accept the responsibility of the WPS grant funded project based on the new timeline and allocation of work amongst staff.
4. To present to council with a packet detailing the GBPAC's responsibilities if additional City funds are allocated.

Request for Proposal – WPS Sculpture

Project Description

The purpose of this Request for Proposal (RFP) is to commission a qualified artist or artist team to design and produce a new public art piece that features and or utilizes lighting as an artistic feature. The artwork should reflect the spirit of WPS and be impactful to pedestrians both day and night.

The sculpture will be installed at a highly visible location in the downtown area where residents and tourists can interact with it. The size of the area is at least 20 feet by 20 feet.

Scope of Work

This sculpture is funded by the generous donation from the WPS Foundation as a sign of their continued commitment to the Green Bay community. The Green Bay Public Arts Commission will install a plaque alongside the sculpture commemorating the WPS Foundation's generous donation. The selection of the piece will be guided by the Green Bay Public Arts Commission. The mission of the Green Bay Public Arts Commission is to promote the arts, culture, and creative identity of Green Bay through awareness efforts, provisions and exhibitions. The GBPAC exists to fund artistic activities and support cultural programs that integrate and advance arts and culture as an essential part of life in Green Bay.

Public Art Component

The piece should be three-dimensional, durable over at least a 10 year lifespan, and require minimal ongoing maintenance. Green Bay, Wisconsin temperatures typically vary from sub 0 in the winter with heavy snow and ice to well over 80 degrees in the summer with strong sun and rain. Materials used and design proposed should withstand these temperature and precipitation changes. The artwork must be self-supporting. The orientation of the sculpture can be horizontal or vertical in the 20 feet by 20 feet designated area, and the piece must be contained within the site.

Artist/artist team must address engineering, construction, installation, site preparation and maintenance standards. The art piece must be fabricated with bolting/attachment to a concrete surface or a suitably designed footing. The artist/artist team shall be responsible for the design of the required footing (engineering) for the sculpture and give the plans to the GBPAC and appropriate City of Green Bay authorities. The Public Arts Commission will work with the artist and appropriate city departments for site preparation. The artist/artist team will prepare the final placement.

Parameters of the Commissioned Sculpture

- Capture essence of WPS's commitment and lighting elements
- If a base is used, the material can be of the artist's choice. Artist's base material is subject to approval.
- Aesthetically pleasing from all angles
- Visually interesting
- Approachable and appealing to all ages
- The overall concept should encourage the viewer to interact and take photos
- The concept should help define Green Bay's sense of place
- Size to fit on the site, which is at least 20 feet by 20 feet

Selection Process

The GBPAC will manage the application process and review the proposals, with the final approval from appropriate city committees and Green Bay's Common Council. The GBPAC includes arts professionals, community representatives, and city staff. The submissions will be evaluated based on the above parameters, and one artist/artist team will be chosen for the creation and installation of the final work. The GBPAC reserves the right to withhold the commission award if it should not find a satisfactory artwork.

All submitted complete applications will be reviewed. Applications not meeting the submission guidelines will not be considered.

Proposal Requirements

- A. Clear narrative description of the proposed sculpture, including an estimated delivery installation schedule and maintenance schedule with approximate life span of sculptural elements.
- B. Illustrations/conceptual designs: Additional visual support material and/or illustrations that depict the proposed sculpture, base fixture plan, and footing requirements. Designs should display colors, materials and dimensions of the proposed art. Acceptable formats include:
 - a. Digital images in .jpg or .pdf format
 - b. Illustrations on 8.5 x 11 page
- C. Proposed budget not to exceed \$80,000. The budget must cover the production of the sculpture, base, artist fee, site preparation, delivery, and installation. In addition, a designated maintenance budget needs to be included.
- D. Examples of past work: Include up to five examples of past work relevant to the current proposal. Acceptable examples include:
 - a. Digital images in .jpg or .pdf format
 - b. Programs
 - c. Articles
- E. References

Budget

The budget includes all costs, i.e. research, design, materials, permitting as needed, fabrication, installation, site preparation, photography, insurance, lighting, concrete pads, labor, and transportation. No royalties, travel expenses, or equipment rentals shall be acceptable budget items.

Instructions for Submittal of Proposals

The application (link to the application) deadline is December 31st and is open to all professional artists/artist teams nationwide. Preference will be given to artists/artist teams that have experience implementing their ideas and work in the public realm with government agencies. Artist/Artist teams must be able to effectively work within the project timeline and collaborate with City Staff and the GBPAC.

Please submit the above RFP materials by the date above, by mail or email to:

Laura Schley
Green Bay City Hall
Room 608
100 N. Jefferson St.
Green Bay, WI 54301
laurasc@greenbaywi.gov

Project Contact

Laura Schley

Disclaimer

The GBPAC reserves the right to terminate this project at any time, without notice. Selection of a finalist does not constitute a contract between the selected artist/artist team and the GBPAC, and is not a guarantee or a right to enter into a contract.

REPORT OF THE GBPAC'S RESPONSIBILITIES

The mission of the Green Bay Public Arts Commission (GBPAC) is to promote the arts, culture, and creative identity of Green Bay through awareness efforts, provisions and exhibitions. The GBPAC exists to fund artistic activities and support cultural programs that integrate and advance arts and culture as an essential part of life in Green Bay.

The GBPAC defines "public art" as any art readily available for public viewing unimpeded by barrier or entry. Public art includes work on both public or private property.

The following duties are only a few of the responsibilities outlined within the GBPAC's ordinance:

- Advise the Mayor and the Common Council with regard to policies, budgets, and regulations related to the arts, culture, and creative commerce
- Coordinate and support efforts to unite and focus municipal programs and services as they relate to arts and cultural activities and creative sector commerce

CURRENT RESPONSIBILITIES

- **ANNUAL GRANTS PROGRAM**
 - The Annual Grant Program (AGP) will help fund public art works, art performances, and events that promote and/or employ public art.
 - Projects can be temporary or permanent.
 - The AGP can fund up to 50% of any type of public art pursuit up to \$1,500.
 - The AGP funds several things including but not limited to artist's fees, production expenses, space rental, and marketing costs.
- **ROTATING ARTS PROGRAM**
 - The Rotating Art Program (RAP) was formed in order to beautify our community, promote our cultural identity and to encourage artistic engagement.
 - Multiple sculptures will be on display for one year throughout the city.

- Accepted applicants receive a \$300 stipend to assist with installation and deaccession costs as well as sale opportunities.

PROPOSAL TO UTILIZE ALLOCATED FUNDS

The GBPAC desires to use funds from the excess stadium tax which was allocated to “Strike a Chord”. Suggested uses for these funds include but are not limited to:

- Earmarking funds specifically for musical events/performances within the Annual Grants Program
- Special programming for musicians (e.g. workshops or competitions)
- Forming a new Green Bay music festival

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the report. Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY September 19, 2017

The Green Bay Redevelopment Authority, having met on Thursday, August 31, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the Allocation Amendment to the Project Plan for Tax Increment District Number 12 (TID 12): I-43 Commercial Development.
2. To direct staff to draft a Resolution for Council approval for the Allocation Amendment to the Project Plan for Tax Increment District Number 12 (TID 12): I-43 Commercial Development.
3. To approve the Project Plan regarding creation of Tax Increment District Number 19 (TID 19) East Town/East Mason.
4. To direct staff to draft a Resolution for Council approval for creation of Tax Increment District Number 19 (TID 19) East Town/East Mason.
5. To amend the Hold Harmless Agreement with Café Madrid for 101 N. Adams Street and 109 N. Adams Street (Tax Parcels 12-122 and 12-118) (Schauer and Schumacher Alley).

Moved by Ald. DeWane, seconded by Ald. Scannell to adopt the report. Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY September 19, 2017

The Green Bay Redevelopment Authority, having met on Tuesday, September 12, 2017, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve Development Agreement with GBES Owner I, LLC for East Town Mall Redevelopment at 2350 E. Mason St. (Tax Parcel 21-126-7) and 2350-2390 E. Mason St. (Tax Parcel 21-126-3), subject to minor legal and technical changes.
2. To approve Term Sheet with Schwabe North America for Nature's Way Development at 954 Erie Road (Parcel 21-171-2) and 1024 Erie Road (Parcel 21-171-4), subject to minor legal and technical changes.
3. To approve the utilization of \$500,000.00 of State Trust Fund for the Neighborhood Enhancement Program as directed by the Common Council at the May 17, 2016, meeting.
4. INFORMATIONAL - To authorize staff to enter into a development agreement for the construction of a single family home, provide a \$20,000.00 forgivable second mortgage, and deed 308 S. Quincy Street (parcel 14-411) to NeighborWorks Green Bay under the New Homes In Your Neighborhood program.
5. To approve a quit claim deed for Parcel 7-706-1 to the City of Green Bay to resolve an outstanding record title issue and effectuate a previously approved property conveyance from the Redevelopment Authority to the City of Green Bay.
6. INFORMATIONAL - To approve the purchase of Parcel 22-160-7 for \$762.37 using Neighborhood Enhancement Funds.

Moved by Ald. DeWane, seconded by Ald. Scannell to adopt the report with the exception of Items #1 & #2. Motion carried.

Moved by Ald. Scannell, seconded by Ald. DeWane to adopt Item #1. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Dorff to adopt Item #2.

Moved by Ald. Moore, seconded by Ald. DeWane to amend "F" of the Term Sheet 17-03 as follows:

- F. Pursuant to the provisions of §66.1105, Wis. Stats. (the "Tax Increment Law"), the City has included the Property within Tax Increment District No. Twelve (12) (the "TID"), which will provide part of the financing for certain costs of the Project. If the TID meets cash reserves that will cover the project per the terms of the Development Agreement, those funds shall be transferred to an escrow account specifically to apply towards the project and the TID shall be considered for early termination at that time. If it does not, the Developer requests that the City ask the Joint Review Board (JRB) to create a new TID encompassing the Property if needed to fulfill obligations of Tax Increment Financing outlined in Section I.

Motion carried.

Moved by Ald. DeWane, seconded by Ald. Scannell to adopt Item #2 as amended.

Motion carried.

REPORT OF THE TRAFFIC, BICYCLE, AND PEDESTRIAN COMMISSION REPORT OF SEPTEMBER 19, 2017

The Traffic, Bicycle and Pedestrian Commission having met Monday, August 14, 2017 considered all matters on its agenda and wishes to report and recommend the following:

NO ACTION SINCE ALL MOTIONS RESULTED IN 90-DAY TRIALS WHICH WILL BE REPORTED TO COMMON COUNCIL ON TUESDAY, DECEMBER 5, 2017.

INFORMATION ONLY:

1. Request by DPW Parking Division to establish a NO STOPPING OR STANDING zone in the alley bounded by CityDeck, Cherry Street, Washington Street, and Pine Street.
2. Request by DPW Parking Division to establish a metered zone on the north side of Cherry Street (1 stall) just east of the alley between Washington Street and CityDeck.
3. Request by DPW Parking Division to establish a metered zone on the south side of Pine Street (5 stalls) from Adams Street to the alley between Adams Street and Jefferson Street.
4. Request to establish a NO PARKING zone at 818 South Fisk Street.

Moved by Ald. DeWane, seconded by Ald. Dorff to adopt the report. Motion carried.

REPORT OF THE FINANCE COMMITTEE September 19, 2017

The Finance Committee having met on Tuesday, September 12, 2017, considered all matters on its agenda and wishes to report and recommends the following:

1. To approve purchase of 45 Squad Car Camera Systems from TTK Electronics for \$252,278.
2. To approve purchase 11 Rear Seat Transport Systems from General Tire Equipment for \$10,615.
3. To approve purchase 11 Lightbar & Siren Systems from Soundoff Signal for \$37,366.

4. To approve purchase Fire Safety Extrication Equipment from Holmatro for \$63,479.
5. Continue to move forward with review and take action to pursue debts owed to the City through performance and personal guarantees in the Hotel Northland Development Agreement, in which the City was acting as a junior lender, and is entitled.
6. To receive and place on file the report by the Finance Director.

Moved by Ald. DeWane, seconded by Ald. Galvin to adopt the report. Motion carried.

REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE September 19, 2017

The Improvement and Service Committee, having met on September 13, 2017 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve request by Humberto Serrano to rescind the weed control and unsightly growth charge of \$109.00 at 917 N Irwin Avenue (2-1 vote).
2. To approve request by DDL Holdings, LLC to enter into a developer's agreement for infrastructure construction associated with the railyard development (Kellogg Street, Donald Driver Way, Bond Street) and to have the Director of Public Works draft the agreement and authorize the Mayor and City Clerk to execute the agreement.
3. To refer to staff the request by Ald. Moore to review Parking Utility to include:
 - hours of operation
 - time spent in neighborhoods
 - revenues through citations
 - staffing
4. To approve request by Ald. Vander Leest to draft a resolution to Governor Walker and Wisconsin legislators from Northeast Wisconsin to increase general transportation aid payments to help offset city road construction, maintenance and traffic operations.
5. To hold until the next meeting the request by Ald. Zima that the City consider providing an opening on the east and west sides of the West Mason Street Bridge to allow the possibility of a turnaround for traffic when the bridge is up for an extended period of time similar to the openings on the Main Street (Nitschke) Bridge.

6. To hold until the next meeting the request by Department of Public Works on proposed 2018 Parking Division rates and fees report.
7. To approve request by Department of Public Works on proposed 2017-2018 winter contractor rates report.
8. To approve the report of the Purchasing Manager:
 - A. To purchase a Two Post Vehicle Lift from Halron Lubricants for \$14,000.
 - B. To award a contract for the replacement of Streetlight Poles and Bases to Bodart Electric for \$35,089.
 - C. To amend the City's contract with Honeywell to include a Software Upgrade for DPW HVAC systems for \$22,791.
9. To receive and place on file the report of the Director of Public Works to award contract BRIDGE 3-17, to the low, responsive bidder Central Restoration LLC, in the amount of \$65,116.00.
10. To approve payment for the following Awards of Damage for Temporary Limited Easements.

<u>Mather Street – Vroman Street to Roy Avenue</u>		
Parcel 8	Jeffery D. Naze and Sara L. Naze	\$50.00
Parcel 23	Brenton M. Chambers	\$50.00
11. To approve application for a Concrete Sidewalk Builder's License by the following:
 - A. Consolidated Construction Co.

To approve application for a Concrete Sidewalk Builder's License pending receipt of positive reference checks by the following:

 - B. Fischer Concrete
12. To approve award of the following contracts:
 - A. PARKS PROJECT 3-17 (BAY BEACH WEST TRAIN RIDE) to the low, responsive bidder Advance Construction, in the amount of \$1,203,518.85.
 - B. PAVEMENT 4-17 to the low, responsive bidder Peters Concrete Co., in the amount of \$113,260.70.
 - C. TRAFFIC SIGNAL REPAIR 2017 to the low, responsive bidder Vinton Construction, in the amount of \$63,821.90.

13. To approve request by the Green Bay Public Arts Commission to install rotating art sculptures at the center of the greenspace at Newhall and Main Streets.

Moved by Ald. Scannell, seconded by Ald. Dorff to adopt the report with the exception of Item #12A. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt Item #12A.

Moved by Ald. Nennig, seconded by Ald. Wery to amend the amount to \$1,273,518.85. Motion carried.

Moved by Ald. Scannell, seconded by Ald. DeWane to adopt Item #12A as amended. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE

September 19, 2017

The Personnel Committee, having met on Tuesday, September 12, 2017 considered all matters on its agenda and reports and recommends the following:

1. Presentation given by Dr. Karl Nollenberger, Associate Professor Emeritus at UW-Oshkosh, on City Manager/Administrator forms of government.
2. To request that the IT Administrator and City Clerk make a presentation of the new meeting minutes program at a subsequent meeting.
3. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Maintenance & Enforcement Attendant – Public Works
 - b. Appraiser II – Administrative Services
4. To approve request to reclassify the part-time (0.5) exempt Business Grant Manager position at Pay Grade I (\$52,728 - \$71,323) to a part-time (.65) non-exempt Financial Analyst position at Pay Grade G (\$44,179 - \$55,779). Approve request to fill this position and all subsequent vacancies resulting from internal transfers. This position is fully funded by the general fund.
5. To approve out-of-state travel requests for the following.
 - a. Development Specialist to attend the Mayors Conference on Entrepreneurship in Oakland, California, October 25-28, 2017 at no cost to the City for room, board or transportation.
 - b. Public Works Laborer to attend American Public Works Association (APWA) National Snow Plow "Roadeo" in Fort Collins, CO, September 26 – 28, 2017, estimated cost for meals \$75.
6. To approve request to award a three year contract for management of the City's Flexible Spending Accounts (FSA), Personal Benefit Accounts (PBA), Post-Employment PBA, COBRA and Retiree Escrow Prepaid Card to Benefit Advantage for a projected annual cost of \$56,683 (total for 3 years \$170,049)

effective January 1, 2018. Rates for the first three years are guaranteed. The City reserves the right to extend the contract for two additional 1-year periods by mutual consent, subject to prevailing rates.

7. To receive and place on file review of the Police Department table of organization.
8. To receive and place on file the summary report of exit survey.
9. To approve the following agreements:
 - a. Wage agreement between the City of Green Bay and International Brotherhood of Electrical Workers (IBEW) Local 158 with a 2% general salary increase effective with the start of the pay period in which October 1, 2017 occurs.
 - b. Collective bargaining agreement with City of Green Bay Fire Fighters Local 141, upon expiration of the current agreement for a 2-year term (January 1, 2018 through December 31, 2019) with a 2% wage increase effective July 1, 2018 and 2% wage increase effective July 1, 2019.
10. To receive and place on file the report of Routine Personnel Actions for regular employees.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the report with the exception of Item #2. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt Item #2. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

September 19, 2017

The Protection & Welfare Committee, having met on Monday, September 11, 2017 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the request for a "Class B" Liquor License (Wine Only) by Stillmank Brewing Company, LLC at 215 N. Henry St., contingent upon the approval of the proper authorities and pending the approval of the safety/security plan by the Police Department.
2. To approve the change of agent for Ultimate Mart, LLC at 1819 Main St.
3. To approve a request by Creamery Café, LLC at 114 Pine St. to amend their liquor license to include outdoor seating/servicing in the City right-of-way, contingent upon the approval of the proper authorities.
4. To approve a request by SIL Such is Life, LLC at 154 N. Broadway, to amend their liquor license to include outdoor seating/serving in the City right-of-way, contingent upon the approval of the proper authorities.

5. To approve a request by the Automobile Gallery at 400 S. Adams St. to expand their liquor license to include a new outdoor gated area, contingent upon the approval of the proper authorities.
6. To approve the request by Richard Craniums at 840 S. Broadway Ave. to hold an outdoor event on September 30, subject to complaint.
7. To approve the request by Seven After at 1689 E. Mason St. to hold an outdoor event on September 30, subject to complaint.
8. To deny the request by Brewski's On Broadway at 1100 S. Broadway to hold an outdoor event on October 7, subject to complaint.
9. To approve the request by The Public Haus Tavern at 813 S. Broadway St. to hold an outdoor event on October 27, 28, 29, subject to complaint.
10. To approve the appeal by Richard Dickenson to the denial of his Operator License application.
11. To deny the appeal by Derrick Hendrickson to the denial of his Operator License application.
12. To approve the appeal by Elizabeth Woods to the denial of her Operator License application, contingent upon the Clerk's Office receiving a letter from Wood's parole officer and employer prior to the Sept. 19 City Council Meeting.
13. To approve the request for a "Class B" Combination License by Peachtree Hospitality Management, LLC at 201 Main St. (Currently AHM Staffing, LLC), contingent upon the approval of the proper authorities.
14. To approve the request for a "Class B" Liquor License by Ricarda Vargas at 1207 E. Mason St. (Currently has beer only), contingent upon the approval of the proper authorities.
15. To approve the request for an available "Class B" Combination License by Pastorcito Mexican Restaurant, LLC at 741 Abrams St. #4, contingent upon the approval of the proper authorities (Currently El Dorado Bakery, LLC, which has a beer only license).
16. To receive and place on file a request by Ald. Nicholson to establish a Citizen Board that investigates/monitors human trafficking, and encourage those interested in the committee to resubmit a communication to the Council or County Board.

17. To receive and place on file a request by Ald. Steuer to formulate a group of citizens, teachers, Board of Education Personnel, City leaders and Police to study the troubled situation at Washington Middle School, previously discussed at the August 7 P&W Meeting.

Moved by Ald. Scannell, seconded by Ald. Dorff to adopt the report. Motion carried.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES

September 19, 2017

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted.

Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Allen, Ray D	Hagman, Adam W	Nowak, William B
Baeb, Carissa N	Hart, Sadie E	Nygaard, Ryan P
Baye, Sara M	Hecker, Steven P	Omdahl, Caullen M
Beaudon, Jessica L	Heiting, Andrea J	Palmer, Kim M
Belonge, Margaret O	Heraly, Lorri A	Peters, Jerry Jr.
Bigari, Benjamin N	Hiley, Jennifer L	Peterson, Andrew H
Bourassa, Daniel J	Hoida, Nicole A	Phillips, Clifford S
Boyea, Carolyn E	Janikowski, Lindsey K	Pier, Kylie A
Braun, Pattie Jo	Jaworski, Tina M	Popke, Susan J
Brown, Stephanie M	Jentz, Justice G	Puckett, Edward P
Bucholz, Angie M	Johnson, Jesse D	Rameker, Brian P
Cave, Emily J	Jorgensen, Hanna L	Ramirez, April L
Clark, Marissa M	Kanyuh, Averl M	Rankel, Stephanie M
Crume, Trista C	Katers-Snyder, Krista L	Reckelberg, Kenneth H
Dax-Pagel, Candida P	Kelly, Stephanie R	Ridderbusch, Aaron M
De Groot, Laura L	Kempen, McKenzie G	Riemer, Patrick R
Delain, Carl R	Kerwin, Patrick J	Rogers, James W
DeVos-Snover, Jesse M	Kilps, Spencer J	Rouse, Susan S
Diamond, Jason J	Kulhanek, Nicole H	Rupiper Sr, Brian K
Dreier, Lisa A	La Fave, Mike D	Salter, Raymond G
Dudley, Erik M	Lemerond, Rachelle L	Schlies, Greg L
Edwards, Heather L	Lester, Meagan N	Schmeichel, Arthur J
Fiala, Cassandra R	Luedtke, Mathew K	Schmid, Anton J
Fletcher, Brienna L	Mackey, Bethany R	Sell, Amy B
Fogle, Nate D	Marx, Robert S	Sherman, Renell V
Frank, Brittany N	Maurer, Sandra K	Simon, Cynthia R
Fraser, Joe	Mayer, Timothy J	Smet, Ashley A

Froemming, Melissa A
Gillmore, Natasha L
Godfrey, Steven J
Guarascio, Gina D

McKellip, Crystal A
Nennig, Shawn L
Nesvold, Amanda C
Nordgaard, Alexis W

Smet, Lynda J
Smith, Justin M
Smits, Sarah M
Soper, Jeanie A

Stephens, Alyssa P
Teegarden, Rick J
Thompson, Donald J
Thyes, Laurie L
Toutenhoofd, Peter E
Travers, Lindsie N
Uitenbroek, Tiffany S
Van Drese, Mary J
Van Haveren, Maxwell J
Van Vonderen, Kathleen M
VandeHei, Dawn C
VanderLinden, Jessica L
Vazquez, Joshua
Verheyen, Donald J
Volkman, Laura M
Walker, Hilary H
Wandsnider, Brett A
Watermolen, Jessie L
Wenzel, Brienna N
Westfall, Chris E
Williams, Skylar R
Yonan, Susie
Zeutizius, Ashley J
Zimmerman, Aaron J

Moved by Ald. DeWane, seconded by Ald. Galvin to adopt the report. Motion carried.

RECEIVE & PLACE ON FILE

Municipal Court Report for August, 2017.

Building Permit Report for August, 2017.

Moved by Ald. Moore, seconded by Ald. Scannell to receive the reports and place them on file. Motion carried.

RESOLUTIONS

Moved by Ald. Scannell, seconded by Ald. Steuer to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

**Common Council
OF THE
City of Green Bay, Wisconsin**

September 19, 2017

Resolution No. 12

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$15,730,000 Taxable Water System Revenue Refunding Bonds, Series 2017,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Green Bay, Wisconsin (the “**Municipality**”) makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal water system (the “**System**”, as more fully defined below), which is a “public utility” (within the meaning of Section 66.0621 (1)(b) of the Wisconsin Statutes).
2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the “**Act**”), the Municipality may, by action of the Governing Body, provide for, among other things, the acquisition, construction, extension, improvement, operation and management of the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable solely from the income and revenues derived from the operation of the System.
3. On September 21, 2004 the Governing Body adopted a resolution (the “**2004 Resolution**”) authorizing the issuance of the Municipality’s \$76,765,000 Water System Revenue Refunding and Improvement Bonds, Series 2004, dated October 1, 2004 (the “**Series 2004 Bonds**”). The outstanding Series 2004 Bonds were redeemed on November 1, 2014.
4. On October 17, 2006 the Governing Body adopted a resolution (the “**2006 Resolution**”) authorizing the issuance of the Municipality’s \$49,310,000 Water System Revenue Refunding Bonds, Series 2006, dated November 1, 2006 (the “**Series 2006 Bonds**”). The Series 2006 Bonds are currently outstanding in the aggregate principal amount of \$43,890,000.
5. On September 16, 2014 the Governing Body adopted a resolution (the “**2014 Resolution**”) authorizing the issuance of the Municipality’s \$14,055,000 Water System Revenue Refunding Bonds, Series 2014, dated October 14, 2014 (the “**Series 2014 Bonds**”). The Series 2014 Bonds are currently outstanding in the aggregate principal amount of \$12,630,000.

6. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

7. Under the provisions of the Act, the Municipality may provide for the refunding of any outstanding bonds, bond anticipation notes or promissory notes which were issued under the Act or Chapter 67 of the Wisconsin Statutes for any of the purposes set forth in Section 66.0621 (3) of the Wisconsin Statutes from the proceeds of notes or bonds, which notes or bonds are to be payable only from the income and revenues derived from the operation of the System.

8. The Municipality needs funds to finance the advance refunding (the “**Refunding**”) of the 2020 through and including 2024 maturities of the Series 2006 Bonds (the “**Refunded Bonds**”). The Refunding will be advantageous to the Municipality.

9. On July 18, 2017, the Governing Body adopted an initial resolution (the “**Initial Resolution**”) authorizing, among other things, the issuance of taxable water system revenue refunding bonds in a principal amount of approximately \$15,780,000 for the purpose of the Refunding.

10. For the purpose of financing the costs of the Refunding, the Governing Body desires to authorize, sell, and issue \$15,730,000 in principal amount of its Taxable Water System Revenue Refunding Bonds, Series 2017 (the “**Bonds**”). The Bonds will be issued pursuant to the provisions of the Act, on the terms and conditions described below, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2006 Bonds and the Series 2014 Bonds (collectively, the “**Outstanding Bonds**”).

11. Section 20 of the 2004 Resolution (the “**Additional Bonds Test**”), which section is continued in the 2006 Resolution and the 2014 Resolution, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth under the Additional Bonds Test. All conditions set forth in under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

12. In accordance with the provisions of Section 66.0621 (4)(a)2 of the Wisconsin Statutes and this resolution, (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of and interest on the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

13. Robert W. Baird & Co. Incorporated (the “**Bond Purchaser**”), or a group that it represents, has offered to purchase the Bonds for \$15,549,653.06 (the “**Purchase Price**”), plus payment by the Bond Purchaser on behalf of the Issuer of \$54,506.94 for the costs of issuing the Bonds.

14. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

15. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In this resolution, the following terms have the meanings given in this section, unless the context requires another meaning.

“Act” means Section 66.0621 of the Wisconsin Statutes, as amended.

“Bond Counsel” means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance, whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

“Bonds” means the \$15,730,000 City of Green Bay, Wisconsin Taxable Water System Revenue Refunding Bonds, Series 2017, which will be issued pursuant to this resolution.

“Bond Purchaser” has the meaning given in the recitals to this resolution.

“Bond Register” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) the name and address of the owner of each Bond, and
- (ii) all transfers of each Bond.

“Book-Entry System” means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository’s nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

“Code” means the Internal Revenue Code of 1986, as amended.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the date of issuance and delivery of the Bonds.

“Current Expenses” means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System. Current Expenses shall be determined in accordance with generally accepted accounting principles and shall include, but not be limited to, salaries, premiums for insurance, wages, cost of materials and supplies, and insurance and audits. Current Expenses shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, capital expenditures, and accumulations of reserves.

“Depository” means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

“DTC” means The Depository Trust Company, New York, New York.

“Escrow Account” means the escrow account created pursuant to the Escrow Agreement.

“Escrow Agent” means Associated Trust Company, National Association.

“Escrow Agreement” means the escrow agreement to be entered into between the Municipality and the Escrow Agent to effect the refunding of the Refunded Bonds.

“Financial Officer” means the Municipality’s Treasurer.

“Fiscal Agent” means Associated Trust Company, National Association, or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“Fiscal Year” means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment or alteration of this resolution for purposes of Section 24 of this resolution.

“Governing Body” means the Municipality’s Common Council.

“Gross Revenues” means the gross revenues of the System from all sources, excluding (i) customer deposits, (ii) collected taxes imposed by other governmental entities, and (iii) earnings on amounts held in the Special Redemption Fund and the Depreciation Fund.

“Independent Consultant” means a recognized engineer or firm of engineers or a recognized certified public accountant or firm of certified public accountants who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all of his, her or its time and efforts to the affairs of the System.

“Minimum Reserve Amount” means the lesser of (i) \$5,592,475, plus the maximum annual debt service coming due in any future year on any new money (non-refunding) Parity Bonds then outstanding, or (ii) the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding. The Municipality understands that if the Minimum Reserve Amount ever exceeds the maximum reasonably required reserve permitted pursuant to the Code and the applicable Treasury Regulations, then the Municipality may be required to restrict the yield on certain investments held in the Reserve Account.

“Municipal Officers” means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality’s behalf.

“Municipality” means the City of Green Bay, Wisconsin.

“Net Revenues” means Gross Revenues after deduction of Current Expenses, plus earnings on moneys held in the Special Redemption Fund.

“Original Issue Date” means October 17, 2017.

“Original Purchasers” means, collectively, the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (as long as the issue of Parity Bonds remains outstanding).

“Outstanding Bonds” has the meaning given in the recitals to this resolution.

“Parity Bonds” means all obligations, other than the Bonds, payable from the revenues of the System (including the Outstanding Bonds) and issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of Section 20 of the 2004 Resolution, and Section 21 of the Series 2006 Resolution and this resolution.

“Prior Resolutions” means, collectively, the 2004 Resolution and the 2006 Resolution, each as defined in the recitals to this resolution.

“Purchase Price” has the meaning given in the recitals to this resolution.

“Record Date” means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Bonds.

“Recording Officer” means the Municipality’s Clerk.

“Redemption Date” means November 1, 2019.

“Refunded Bonds” means the 2020 through and including 2024 maturities of the Series 2006 Bonds.

“Refunding” means the refunding of the Refunded Bonds.

“Reserve Account” means the Reserve Account of the Special Redemption Fund.

“Special Redemption Fund” means the fund designated as such and described in Section 18 of this resolution.

“System” means the water utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the extraction, collection, storage, treatment, transmission, distribution, metering, and discharge of domestic, industrial, and potable public water, or constituting part of, or used or useful in connection with the water utility of the Municipality; and including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* - Form of Bond.
- (ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued. The Bonds will be fully registered, negotiable, taxable water system revenue refunding bonds of the Municipality in the aggregate principal amount of \$15,730,000. The Bonds will be issued under the provisions of the Act for the purposes of the Refunding and paying the expenses of issuing the Bonds (including, but not limited to, printing costs and fees for financial consultants, bond counsel, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named “City of Green Bay, Wisconsin Taxable Water System Revenue Refunding Bonds, Series 2017.” The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bonds will bear interest from the Original Issue Date. Interest on the Bonds will be due and payable on each May 1 and November 1 until the principal of the Bonds has been paid, beginning on May 1, 2018. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature and the rate of interest each maturity will bear:

<u>Principal Maturity Date (November 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2018	\$ 265,000	1.47%
2019	285,000	1.59
2020	2,920,000	1.79
2021	2,970,000	1.99
2022	3,025,000	2.18
2023	3,095,000	2.38
2024	3,170,000	2.56

The principal of and interest on the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. The appropriate officers of the Municipality are directed to enter into a fiscal agency agreement with the Fiscal Agent on behalf of the Municipality. The fiscal agency agreement may provide for the Municipality to pay the reasonable and customary charges of the Fiscal Agent for those services. The fiscal agency agreement must require the Fiscal Agent to comply with all applicable federal and state regulations. Among other things, the Fiscal Agent must maintain the Bond Register.

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves such document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

- (i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.
- (ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes (the Fiscal Agent may be reappointed in this capacity).

Section 8. Redemption.

The Bonds are not subject to redemption prior to their stated maturity dates.

Section 9. Manner of Payment/Transfers Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

Section 10. Manner of Payment/Transfers Not Under Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity [or earlier redemption] date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of an authorized representative of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a

manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all of its terms.

Section 14. Payable Solely From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges the Net Revenues of the System and all amounts in the Special Redemption Fund to the payment of the principal of and interest on the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of and interest on the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of and interest on the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. No Senior Bonds; Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

(a) Continuation of Funds and Accounts; Purposes.

The Municipality affirms and continues the following funds and accounts of the System originally created under Section 17 of the 2004 Resolution (collectively, the “**Funds and Accounts**”) to provide for the collection, distribution, and use of the Gross Revenues:

- (1) Water System Revenue Fund (the “**Revenue Fund**”), into which the entire Gross Revenues will be deposited as received.
- (2) Water System Operation and Maintenance Fund (the “**Operation and Maintenance Fund**”), which will be used to hold amounts expected to be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19(c)(1) of this resolution.
- (3) Water System Special Redemption Fund, which will be divided into the following three accounts: (i) the “**Interest and Principal Account**”, (ii) the “**Earnings Account**”, and (iii) the “**Reserve Account**.” Amounts held in the Interest and Principal Account and the Earnings Account will be used solely to pay interest on and principal of the Bonds and Parity Bonds as provided in this resolution. Amounts held in the Reserve Account will be used to pay principal of or interest on the Bonds and Parity Bonds on any date when amounts in the Interest and Principal Account and the Earnings Account are insufficient to make such payments.
- (4) Water System Depreciation Fund (the “**Depreciation Fund**”), which will be used to hold amounts expected to be used to pay for repairs, replacements, extensions, or additions to the System, provided that amounts in the Depreciation Fund can be used for any such purpose only if such amounts are not needed to make up any deficiency in the Interest and Principal Account or the Reserve Account.
- (5) Water System Surplus Fund (the “**Surplus Fund**”), amounts in which will be used for the purposes described in Section 19(c)(4) of this resolution.

(b) Limitation on the Use of Amounts in the Funds and Accounts.

Amounts held in the Funds and Accounts must be used solely for the purposes described in this resolution.

(c) Requirement to Maintain the Special Redemption Fund as a Separate Fund.

The Special Redemption Fund must be maintained as a separate fund in the treasury of the Municipality. The other Funds and Accounts may be combined in a single investment or bank account.

(d) Investment of Amounts held in Funds and Accounts.

Amounts in the Funds and Accounts may be invested in any manner permitted by the laws of Wisconsin, subject to the following limitations:

- (1) The investments in each Fund or Account must be sold whenever necessary to provide funds for the purposes for which the Fund or Account was created.
- (2) In particular, amounts in the Reserve Account must be invested so that sufficient funds will be available on each interest payment date for the Bonds and any Parity Bonds to make the required interest and principal payments in the event amounts in the Interest and Principal Account and the Earnings Account are insufficient to make the payments.
- (3) All investments held in the Funds and Accounts must be secured to the fullest extent required by the laws of Wisconsin.

(e) Required Transfers of Earnings on Certain Funds and Accounts.

All income from the investment of amounts in the Special Redemption Fund must be transferred to the Earnings Account. All income from the investment of amounts in the Depreciation Fund must be deposited in the Depreciation Fund. All income from the investment of amounts in all other Funds and Accounts must be deposited in the Revenue Fund and regarded as revenues of the System.

Section 19. Application of Revenues.

(a) Deposits to Revenue Fund and Transfers From Revenue Fund.

Until all Bonds and Parity Bonds, if any, have been retired, or until there is on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all outstanding Bonds and Parity Bonds, if any, together with the interest thereon to maturity, the Gross Revenues must, to the extent permitted by law, be deposited as collected in the Revenue Fund and must be transferred from the Revenue Fund and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund in the following order:

- (1) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund must be deposited in the Operation and Maintenance Fund.
- (2) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund must be deposited in the Special Redemption Fund.
- (3) A sum sufficient of the money in the Revenue Fund for the purposes of the Depreciation Fund must be deposited in the Depreciation Fund.
- (4) The remainder of the money in the Revenue Fund must be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund must be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

(b) Transfers to the Special Redemption Fund.

The Governing Body intends that the amount of money deposited in the Special Redemption Fund from all sources will be sufficient to (i) pay the interest on the Bonds and any Parity Bonds as the same becomes due, (ii) retire the Bonds and any Parity Bonds at maturity, and (iii) provide for any required monthly deposits to the Reserve Account.

(c) Transfers Among Certain Funds and Accounts; Uses of Amounts in Funds and Accounts.

Amounts deposited in the following Funds and Accounts must be held, used or transferred as follows:

- (1) *Operation and Maintenance Fund.* Amounts deposited in the Operation and Maintenance Fund must be used for the purposes described in Section 18(a)(2) of this resolution, unless the balance in the Operation and Maintenance Fund exceeds the estimated operating and maintenance expenses of the System for the next succeeding sixty days, in which case the excess amount must (i) be transferred to the Special Redemption Fund to remedy any deficiency in the Special Redemption Fund, or (ii) if or to the extent that no such deficiency exists, then the remaining excess amount must be transferred to the Surplus Fund.

- (2) *Interest and Principal Account and Earnings Account.* Amounts deposited in the Special Redemption Fund must first be used to deposit each month into the Interest and Principal Account an amount equal to one-sixth (1/6) of the next installment of interest due on the Bonds and any Parity Bonds then outstanding, plus an amount equal to one-twelfth (1/12) of the next installment of principal of the Bonds and any Parity Bonds coming due, until the full amount of such installments is on deposit in the Interest and Principal Account. The deposits must be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account will be deemed to have been used first in payment of interest on the Bonds and any Parity Bonds. Any funds remaining in the Earnings Account after each such transfer must first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an amount equal to the full amount of interest and principal coming due on the Bonds and any Parity Bonds then outstanding during the 12 months following the date of such transfer and after that either (i) be used to retire the Bonds or any Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid any Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code or any Treasury Regulations promulgated thereunder.

Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the applicable issue of Parity Bonds from gross income for federal income tax purposes (A) moneys in the Earnings Account that are allocable to "proceeds" (within the meaning of Treas. Reg. § 1.148-1(b)) of the Bonds or any issue of Parity Bonds may only be deposited in the Interest and Principal Account if such moneys will be used to pay interest on or principal of the issue to which such proceeds are allocable, and (B) no moneys that are allocable to proceeds of any issue of Parity Bonds may be used to pay interest on or principal of obligations that are not part of the issue to which the proceeds are allocable.

- (3) *Reserve Account.* The next available amounts in the Special Redemption Fund must be used to make monthly transfers

to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Amounts in the Reserve Account must be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds whenever the Interest and Principal Account and the Earnings Account are insufficient for that purpose. Any amounts in the Reserve Account in excess of the Minimum Reserve Amount must be transferred to the Earnings Account, except that it is expected that \$5,592,475 of the amount in the Reserve Account will be used on November 1, 2029 to pay a portion of the final principal amounts due on the Parity Bonds on that date (unless all or a portion of the Parity Bonds are refunded prior to November 1, 2029, in which case any amounts in the Reserve Account in excess of what will be the Minimum Reserve Amount after the retirement of the last Bonds and Parity Bond must be transferred to the Earnings Account and used to pay all or a portion of the last principal and interest payments due on the Bonds and Parity Bonds). For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually, on each interest payment date, at then current market value. In the event that amounts are withdrawn from the Reserve Account or amounts on deposit in the Reserve Account on any valuation date are less than the Minimum Reserve Amount, the Municipality, from revenues of the System, must restore any amounts so withdrawn or any shortfall so that 12 months following such withdrawal or shortfall the amount on deposit in the Reserve Account equals the Minimum Reserve Amount.

If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the Minimum Reserve Amount, then the Financial Officer must certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body expresses its expectation and aspiration that, if presented with such a certification, it will make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this moral obligation pledge serves a public purpose by safeguarding the health and welfare of the Municipality's citizens.

- (4) *Surplus Fund.* Amounts in the Surplus Fund must first be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds when the Special Redemption Fund is insufficient for that purpose, and thereafter to remedy any deficiency in any of the Funds or Accounts, or if at the close of any Fiscal Year there is no such deficiency, then such amounts may be disbursed as follows:
- (i) to retire Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders at the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date; or
 - (ii) to rebate payments made by customers of the System pursuant to any plan adopted by the Governing Body of the Municipality; or
 - (iii) to the general fund of the Municipality.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. Agreements and Covenants Regarding the Operation of the System.

The Municipality agrees and covenants with each and every registered owner of the Bonds and Parity Bonds as follows:

- (a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing utility services, including, but not limited to, fire, police, safety and health protection, will, to the extent permitted by law, be charged against the Municipality and be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, exclusive of the Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.
- (b) The Municipality will faithfully and punctually perform all duties concerning the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable, lawful, and sufficient rates for services rendered by the

System and the segregation and application of the revenues of the System as provided in this resolution.

- (c) The Municipality will not sell, lease, or in any manner dispose of all or any part of the System, or any additions or extensions that may be made to the System, until all Bonds and Parity Bonds have been paid in full, both principal and interest, or until provision has been made for the payment in full of all Bonds and Parity Bonds, both principal and interest, unless the property to be sold, leased or otherwise disposed of has been found by the Governing Body not be necessary or useful in the operation of the System. The proceeds received from any sale, lease, or disposal of any such property of the System must be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired or improved with proceeds of the Bonds or Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases.
- (d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts created by this resolution and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding (for this purpose, the Municipality may treat the final payment due on the Bonds as being reduced by the amount expected to be transferred from the Reserve Account and applied toward such final payment); and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.
- (e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The registered owners of any the Bonds or Parity Bonds will have the right to inspect the System and the records, accounts and data of the Municipality relating to the System at all reasonable times. Each audit of the books and accounts of the System, in addition to whatever matters may be thought proper by the accountants to be included therein, must include the following: (i) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (ii) a statement of the Net Revenues as herein defined for the Fiscal Year; (iii) a

balance sheet as of the end of the Fiscal Year; (iv) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (vi) the number and types of connections at the end of the Fiscal Year.

- (f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All amounts received for losses under any of such insurance policies, except public liability, must be used in repairing the damage or in replacing the property destroyed, unless the Governing Body finds that it is not advisable to repair such damage or replace such property and that the operation of the System will not be impaired if such property is not repaired or such property is not replaced, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account must not reduce the amounts otherwise required to be paid into the Special Redemption Fund.
- (g) The Municipality will grant no franchise for the operation of another System (or any part thereof) within the geographic limits of the Municipality, unless the denial of such franchise would be in violation of any law.
- (h) The Municipality will by resolution of its Governing Body require all buildings in the Municipality used for human habitation and located adjacent to service from the System, or located in a block through which service from the System extends, to be connected with service from the System.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Bonds, except as provided in this Section:

- (a) Notes (including bond anticipation notes) or bonds may be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of and will provide an amount sufficient, together with the earnings thereon

and all other funds legally available therefor, to pay the entire principal of and all interest on the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all the Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.

- (b) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) have matured or (ii) will mature not later than 90 days after the date of delivery of such refunding notes or bonds if there is insufficient amounts in the Special Redemption Fund to provide for the required payments.
- (c) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:
 - (1) Either (A) the Net Revenues of the System for the last completed Fiscal Year were at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there will be a principal maturity on such outstanding bonds or notes (for this purpose, the Municipality may treat the final payment due on the Bonds and Parity Bonds as being reduced by the amount expected to be transferred from the Reserve Account and applied toward such final payment); *provided, however*, that if prior to the authorization of such additional bonds or notes the Municipality has adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consultant employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing is evidenced by a certificate or certificates of an Independent Consultant with recognized expertise in utility ratemaking before the Public Service Commission of Wisconsin employed for that purpose, giving a detailed description of the proposed projects to be financed, an estimate of the cost of the proposed projects including proposed capitalized interest, if any, and an estimate of the time of completion of the proposed projects, and showing the

feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; *provided*, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds or notes (for this purpose, the Municipality may treat the final payment due on the Bonds and Parity Bonds as being reduced by the amount expected to be transferred from the Reserve Account and applied toward such final payment). For purposes of this subsection, actual Net Revenues for any Fiscal Year will be the Net Revenues shown in the audit of the System's books and accounts for the Fiscal Year required by Section 20(e) of this resolution.

- (2) The payments required to be made into the Funds and Accounts continued pursuant to Section 18 of this resolution must be current.
- (3) There must be on hand in the Reserve Account immediately upon the issuance of such additional bonds or notes an amount not less than the Minimum Reserve Amount.
- (4) The additional bonds or notes must be payable as to principal on November 1 of each year and as to interest on May 1 and November 1 of each year.
- (5) The proceeds of the additional bonds or notes must be used solely to refund Bonds or Parity Bonds, or for acquiring or constructing additions, extensions, improvements, renewals or replacements to the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in

Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the right to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and the right to have a receiver appointed for the System in the event of a default in the payment of principal of or interest on the Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

- (a) By paying the Bonds when they become due and payable, or upon their prior redemption, in the manner provided in this resolution;
- (b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of and interest on the Bonds until their maturity [or earlier redemption]; or
- (c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity [or redemption], money and/or direct obligations of, or obligations the principal of and interest on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay the Bonds at or before their respective maturity dates.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation, to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; *however* this resolution may be amended only with the unanimous written consent of:

- (a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Bond; modify the terms of payment of principal of or interest on any Bond; or impose any conditions with respect to payment of principal of or interest on any Bond;
 - (ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or
 - (iii) To reduce the required outstanding principal amount of the Bonds for which consent must be given to effect any future amendments to this resolution; and
- (b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; modify the terms of payment of principal of or interest on any Parity Bond of the series; or impose any conditions with respect to payment of principal of or interest on any Parity Bond of the series;
 - (ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or
 - (iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent must be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality must cause notice of the proposed amendment (the “**Amendment Notice**”) and, if consent is required, a form of consent to the proposed amendment (the “**Consent**”) to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice must briefly describe the nature of the proposed amendment and must state that a copy of the proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent must refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment,

and be dated by the owner of the Bonds and, if appropriate, the Parity Bonds upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If on any date prior to one year after the date of the mailing of the Amendment Notice and Consent the Recording Officer receives Consents executed by the registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; *provided* that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

The Municipality awards the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds. The Municipality approves and accepts the purchase agreement signed and presented by the Bond Purchaser to evidence the purchase of the Bonds (the “**Bond Purchase Agreement**”). The Municipal Officers are directed (a) to sign the Bond Purchase Agreement in the Municipality’s name and (b) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, location, and time of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

- (i) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds.

- (ii) A transcript of the proceedings relating to the issuance of the Bonds.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Escrow Agreement/Escrow Account.

To provide for the payment of the interest on the Refunded Bonds when due on and prior to their Redemption Date, and to effect the redemption of the Refunded Bonds on their Redemption Date, the Municipal Officers are directed to enter into the Escrow Agreement on the Municipality's behalf and to transfer to the Escrow Account the amounts necessary for this purpose. The amounts deposited in the Escrow Account must be invested and disbursed in the manner described in the Escrow Agreement.

It is necessary to purchase investment securities to be held in the Escrow Account. The Municipality is directed to purchase, or cause to be purchased, appropriate securities to be held in the Escrow Account in the Municipality's name. The securities that are purchased must be deposited in the Escrow Account and held pursuant to the terms of the Escrow Agreement and this resolution.

Section 27. Redemption of Refunded Bonds.

The Municipality irrevocably directs that the principal amount of the Refunded Bonds be redeemed and paid in full in advance of their stated maturity dates on the Redemption Date. The appropriate officers of the Municipality are directed to instruct the fiscal agent for the Series 2006 Bonds to take all actions required to call the Refunded Bonds for redemption on the Redemption Date, including giving notice in the manner that the governing documents for the Series 2006 Bonds require. The Municipality ratifies and approves any action that has been taken in connection with the Refunding and the redemption of the Refunded Bonds prior to the date of this resolution.

Section 28. Disposition of Bond Proceeds.

The proceeds from the sale of the Bonds shall be disbursed as follows:

- (a) All accrued interest, if any, shall be deposited in the Interest and Principal Account of the Special Redemption Fund.
- (b) Any contingency or rounding amount shall be deposited in the Interest and Principal Account of the Special Redemption Fund and used to pay interest on the Bonds.
- (c) The remaining proceeds of the sale of the Bonds shall be deposited in the Escrow Account held by the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of paying the Refunded Bonds.

Section 29. Fund Balances.

Amounts in the existing Funds and Accounts shall remain therein as of the date issuance of the Bonds as follows:

- (a) Any amounts in the Principal and Interest Account of the Special Redemption Fund established or continued under the 2006 Resolution that are allocable to the Refunded Bonds and will not be used to pay the principal of, and interest on, the Refunded Bonds on the Redemption Date shall remain in such account and applied to future debt service payments on the outstanding 2006 Bonds.
- (b) The remaining balances in all other funds and accounts established or continued under the 2006 Resolution shall remain in such accounts and applied as provided in the 2006 Resolution and in this resolution.

Section 30. Official Statement.

The Municipality approves and ratifies the preliminary offering document prepared and distributed in connection with the sale of the Bonds, and the Municipality authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared and distributed prior to the issuance of the Bonds; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement conclusively evidences the approval of the Municipal Officers.

Section 31. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published promptly after the execution of the bond purchase agreement in the Municipality’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 32. Authorization of Officers.

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

- (i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.
- (ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 33. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 34. Conflict with Prior Acts.

In case any part of a prior action of the Governing conflicts with this resolution, the Municipality rescinds that part of the prior action, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 35. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 36. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: September 19, 2017

Approved: September 20, 2017

James J. Schmitt
Mayor

Kris A. Teske
Clerk

EXHIBIT A
FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CITY OF GREEN BAY

Registered

No. R-_____ \$ _____

TAXABLE WATER SYSTEM REVENUE REFUNDING BOND, SERIES 2017

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____%	November 1, 20__	October 17, 2017	392690 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF GREEN BAY, WISCONSIN (herein called the "**Municipality**") hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, solely from the income and revenues hereinafter specified on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is due and payable on each May 1 and November 1 until the Principal Amount has been paid, beginning on May 1, 2018. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Bond is one of a duly authorized issue of revenue bonds (the "**Bonds**") of the Municipality of an aggregate principal amount of \$15,730,000, all of which are of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin

Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality's outstanding \$49,310,000 Water System Revenue Refunding Bonds, Series 2006, dated November 1, 2006, and \$14,055,000 Water System Revenue Refunding Bonds, Series 2014, dated October 14, 2014 (the "**Outstanding Bonds**"), from the income and revenues to be derived from the operation of the Municipality's water utility (the "**System**") to be set aside in the "Water System Special Redemption Fund," which was created by a resolution adopted by the governing body of the Municipality on September 21, 2004 (the "**2004 Resolution**") and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on September 19, 2017 (the "**2017 Resolution**"). The 2017 Resolution is entitled "A Resolution Authorizing and Providing for the Sale and Issuance of \$15,730,000 Taxable Water System Revenue Refunding Bonds, Series 2017 and All Related Details". Reference is hereby made to the 2017 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Water System Special Redemption Fund and the revenues of the System pledged to the Water System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Water System Special Redemption Fund and will be used for no other purpose than to pay the principal of and interest on the Bonds and the Outstanding Bonds as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a "**Depository**"), or in the name of the Depository's nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a "**Book-Entry System**"). So long as the Bonds are maintained in a Book-Entry System, then the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect by ASSOCIATED TRUST COMPANY, NATIONAL ASSOCIATION, or any successor fiscal agent appointed by the Municipality (hereinafter, the "**Fiscal Agent**"), which will act as paying agent and registrar for the Bonds.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Bond is registered in the register (the "**Register**") maintained by the Fiscal Agent at the end of the day on the 15th day

(whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds are not subject to redemption prior to their stated maturity dates.

So long as the Bonds are being maintained in a Book-Entry System the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF GREEN BAY, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

Certificate of Authentication:

Dated: October __, 2017

This Bond is one of the Bonds described in the within-mentioned 2017 Resolution.

ASSOCIATED TRUST COMPANY, NATIONAL ASSOCIATION,
as Fiscal Agent

Authorized Signatory

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("**STAMP**") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE CITY OF GREEN BAY, WISCONSIN RELATING TO TAXABLE BOND SALE

On September 19, 2017, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Green Bay, Wisconsin authorized the borrowing of money and entered into a contract to sell taxable water system revenue refunding bonds in the principal amount of \$15,730,000. It is anticipated that the closing of this bond financing will be held on or about October 17, 2017. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Jefferson Street, Green Bay, Wisconsin between the hours of 9:00 a.m. and 4:00 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: September 22, 2017

/s/ Kris Teske
City Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.

Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

FINAL PAYMENTS RESOLUTION

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

September 19, 2017

1. "PARKING RAMP REPAIRS-2015"

Central Restoration, Inc.

TOTAL AMOUNT EARNED:	\$ 550,011.00
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 550,011.11

LESS AMOUNT PREVIOUSLY PAID:	\$ 415,221.00
AMOUNT DUE THIS ESTIMATE:	\$ 134,790.00

ACCOUNT NUMBERS
430500-55305-64075: \$134,790.00
PO #1500213

Adopted September 19, 2017

Approved September 20, 2017

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.
Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING
AWARDS OF DAMAGE FOR TEMPORARY LIMITED EASEMENTS
MATHER STREET – VROMAN STREET TO ROY AVENUE
September 19, 2017**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve payment for the following Awards of Damage for Temporary Limited Easements.

Mather Street – Vroman Street to Roy Avenue

Parcel 8	Jeffery D. Naze and Sara L Naze	\$50.00
Parcel 23	Brenton M Chambers	\$50.00

Adopted September 19, 2017

Approved September 20, 2017

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.
Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING CREATION OF
TAX INCREMENT FINANCE DISTRICT
NUMBER 19: EAST TOWN / EAST MASON,
AND ADOPTION OF PROJECT PLAN**

September 19, 2017

WHEREAS, the City of Green Bay Comprehensive Plan identifies the East Town / East Mason corridor as an area not achieving its highest and best land use based on economic conditions; and

WHEREAS, the creation of a Tax Increment Finance District provides a mechanism to overcome challenges associated with blighted parcels that deter private investment and the additional costs associated with rehabilitation and remediation; and

WHEREAS, the Common Council designated the Redevelopment Authority of the City of Green Bay (herein "RDA") to perform all acts necessary for the creation of Tax Increment Finance District Number 19: East Town / East Mason (herein "TID 19"), on August 16, 2017; and

WHEREAS, in accordance with Wis. Stats. §66.1105:

- a. The RDA held a public hearing on the proposed creation of TID 19 on August 31, 2017, in which interested parties were afforded

reasonable opportunity to express their views on the proposed Project Plan; and

b. A copy of the notice was sent by first class mail to the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College prior to publication of notice of said public hearing; and

c. Owners of property identified by the Project Plan as in need of rehabilitation or conservation work received by first class certified mail notice of the public hearing and said identification of property prior to publication of notice of said public hearing; and

d. The Project Plan was posted on the City website and a hard copy was made available for public review in Room 200 of City Hall prior to publication of notice of said public hearing; and

e. A notice of said public hearing was published in the *Green Bay Press Gazette* on August 19, 2017 and August 24, 2017; and

WHEREAS, the Project Plan, meets all of the requirements of Wis. Stats. §66.1105, to wit:

a. A statement listing the kind, number and location of all proposed public works or improvements within TID 19 and those located outside of TID 19; and

b. An economic feasibility study; and

c. A detailed list of estimated project costs; and

d. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and

e. A map showing existing uses and conditions of real property within TID 19; and

f. A map showing proposed improvements and uses in TID 19; and

g. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and

h. A list of estimated non-project costs; and

i. A statement relating to the proposed method for the relocation of any persons to be displaced;

j. A statement indicating how creation of TID 19 promotes the orderly development of the City; and

k. An opinion of the City Attorney that the Project Plan is complete and complies with Wis. Stats. §66.1105; and

WHEREAS, the RDA makes the following findings as required by Wis. Stats. §66.1105:

a. That “but for” the creation of TID 19, the development projected to occur as detailed in this Plan would not occur in the manner desired by the City because of challenges associated with:

i. additional costs associated with environmental cleanup and remediation; and

ii. additional costs associated with the rehabilitation of existing structures and parcels; and

iii. blighted parcels that deter private investment; and

iv. a lack of facilities that accommodate pedestrian and bicycle users; and

b. The equalized value of taxable property of TID 19 plus the value increment of all existing tax increment districts does not exceed twelve percent (12%) of the total equalized value of taxable property within the municipality; and

c. 59.6%, by area (39.70 of the 66.42 total acres), of the real property within TID 19 is in need of rehabilitation or conservation work, thereby exceeding the fifty percent (50%) threshold as defined in Wis. Stats. §66.1337 (2m)(b); and

d. The proposed activities in this Plan are in concurrence with Wis. Stats. §66.1337, which enable the City to conduct specific activities in a rehabilitation or conservation district; including:

i. a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; and

ii. acquisition of real property and demolition, removal or rehabilitation of buildings and improvements on the property where

necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

iii. installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out an urban renewal project; and

iv. the disposition, for uses in accordance with the objectives of the urban renewal project, of any property acquired in the area of the project; and

e. The project costs in this Plan relate directly to rehabilitating or conserving parcels within TID 19 consistent with the purpose for which the District is created; and

f. The economic benefits of TID 19, as measured by increased property value, employment, and (business and personal) income, more than compensate for the cost of the improvements; and

g. The benefits of the proposal are greater than the anticipated tax increments to be paid by property owners in overlying taxing jurisdictions; and

h. The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 19; and

i. The TID 19 Project Plan is feasible and in conformity with the City Comprehensive Plan; and

j. The City Attorney has signed an opinion (located in Appendix A) advising that this Project Plan is complete and complies with the law.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Green Bay Wisconsin hereby creates Tax Increment Finance District Number 19: East Town / East Mason Project Plan on January 1, 2017, and adopts the Project Plan.

Adopted September 19, 2017

Approved September 20, 2017

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.
Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

**RESOLUTION ADOPTING AN
ALLOCATION AMENDMENT
TO THE PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT NO. 12**

September 19, 2017

WHEREAS, pursuant to Wisconsin Statutes §66.1105, the City of Green Bay (the “City”) has previously created Tax Incremental District No. 12, City of Green Bay (the “District”); and

WHEREAS, the Redevelopment Authority of the City has prepared a proposed amendment to the project plan for Tax Incremental District No. 12 to allocate or donate financial contributions to Tax Incremental District (“TID”) Nos. 6, 11 and 15 for the purpose of paying all outstanding and encumbered expenses necessary to terminate the aforesaid TIDs; and

WHEREAS, the Redevelopment Authority of the City of Green Bay (“Redevelopment Authority”) notified the chief executive officers of all local government entities having the power to levy taxes on property within the District, including the school board of any school district which includes property within the District pursuant to Wisconsin Statutes §66.1105, of a public hearing properly noticed and held on August 31, 2017, wherein interested parties were afforded a reasonable opportunity to express their views on the project plan; and

WHEREAS, pursuant to such procedure and after due notice and proper consideration, the Redevelopment Authority has recommended to the Common Council the adoption of the amended project plan for the District, which said project plan includes the following:

1. A statement listing the kind, number and location of all proposed public works or improvements within the District and those located outside of the District to the extent provided in Wisconsin Statutes §66.1105(2)(f)l.k.

2. An economic feasibility study.
3. A detailed list of estimated project costs.
4. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred.
5. A map showing existing uses and conditions of real property within the District.
6. A map showing proposed improvements and uses in the District.
7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any.
8. A list of estimated non-project costs.
9. A statement relating to the proposed method for the relocation of any persons to be displaced.
10. A statement indicating how the District promotes the orderly development of the City.
11. An opinion of the City Attorney that the amended project plan is complete and complies with Wisconsin Statutes §66.1105(4)(f).

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Green Bay, Wisconsin that:

a. Finding is hereby made that the amended project plan for Tax Incremental District No. 12, City of Green Bay, is feasible and in accordance with the master plan of the City of Green Bay.

b. The amended project plan for Tax Incremental District No. 12, requiring the allocation or donation of up to Two-hundred Thousand Dollars (\$200,000.00) to Tax Increment Finance District No. 6; Three-hundred and Fifty Thousand Dollars (\$350,000.00) to Tax Increment Finance District No. 11; and One-hundred and Fifty Thousand Dollars (\$150,000.00) to Tax Increment Finance District No. 15, for the purpose of paying the outstanding and encumbered project expenses necessary to terminate TID Nos. 6, 11, and 15 in 2018, as recommended by the Redevelopment Authority, be and hereby is approved and adopted.

c. The Finance Department is hereby authorized to transfer funds as specified in the allocation amendment.

Adopted September 19, 2017

Approved September 20, 2017

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.
Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

RESOLUTION AUTHORIZING RELOCATION OF
POLLING PLACES FOR WARDS 6, 7, 13, 14, 28, 34, 37, and 43
September 19, 2017

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the polling places for Wards 6, 7, 13, 14, 28, 34, 37, and 43 shall be relocated to the following locations:

<u>Ward 6:</u>	Fire Station #5 2310 Finger Road
<u>Ward 7:</u>	Fire Station #5 2310 Finger Road
<u>Ward 13:</u>	SS. Peter & Paul Parish 720 North Baird Street
<u>Ward 14:</u>	Ray and Joan Kroc Corps Community Center 1315 Lime Kiln Road
<u>Ward 28:</u>	First Presbyterian Church 200 South Ashland Avenue
<u>Ward 34:</u>	St. Joseph's Parochial School 1224 12 th Avenue
<u>Ward 37:</u>	Seventh-Day Adventist Church 1414 Shawano Avenue

Ward 43:

Living Hope Church
1840 West Mason Street

Adopted September 19, 2017

Approved September 20, 2017

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.
Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING
GREEN BAY ARTS COMMISSION
TO INSTALL ROTATING ART SCULPTURES
NEWHALL AND MAIN STREETS
April 18, 2017**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve request by the Green Bay Public Arts Commission to install rotating art sculptures at the center of the greenspace at Newhall and Main Streets.

Adopted September 19, 2017

Approved September 20, 2017

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Scannell, seconded by Ald. Galvin to adopt the resolution.

Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

ORDINANCE - FIRST READING

ZONING ORDINANCE NO. 13-17

**AN ORDINANCE
REZONING PROPERTY LOCATED
AT 2996 FINGER ROAD
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT
TO NEIGHBORHOOD CENTER (NC) DISTRICT
(ZP 17-19)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to Neighborhood Center (NC) District:

2996 Finger Road: HERLACHE PLAT LOT 8
(Tax Parcel No. 21-5263)

3000 Block Finger Road: W 1/2 NE 1/4 NE 1/4 SEC 10 T23N R21E
EX N 281 FT OF E 310 FT & EX 690 R 9 & EX J4561-36 & EX
J14405-27
(Tax Parcel No. 21-143)

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2017.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Scannell, seconded by Ald. DeWane to advance the ordinance to the third reading. Motion carried.

ORDINANCES - THIRD READING

Moved by Ald. Sladek, seconded by Ald. Steuer to suspend the rules for the purpose of adopting the ordinances with one roll call vote. Motion carried.

GENERAL ORDINANCE NO. 12-17

AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

WASHINGTON STREET, west side, from a point 40 feet south of Walnut Street to a point 190 feet north of Walnut Street

ELM STREET, south side, from a point 191 feet west of Monroe Avenue to Monroe Ave

ELM STREET, south side, from a point 122 feet east of Madison Street to Madison Street

ELM STREET, north side, from Madison Street to Monroe Ave

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING 30-MINUTE LOADING ONLY zone:

ELM STREET, south side, from a point 122 feet east of Madison Street to a point 166 feet east of Madison Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following 1-HOUR RESERVED NICOLET BANK OFFICE CUSTOMER ONLY 7:00 AM – 6:00 PM MONDAY THOROUGH FRIDAY parking:

WASHINGTON STREET, west side, from a point 190 feet north of Walnut Street to a point 50 feet south of Cherry Street

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

WASHINGTON STREET, west side, from a point 40 feet south of Walnut Street to a point 65 feet north of Walnut Street

MELROSE AVENUE, both sides, from a point 60 feet south of Mather Street to Mather Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by establishing a NO PARKING 30-MINUTE LOADING ONLY zone:

WASHINGTON STREET, west side, from a point 65 feet north of Walnut Street to a point 140 feet north of Walnut Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 7:00 AM TO 4:00 PM SCHOOL DAYS PASSENGER LOADING ONLY zone:

DECKNER AVENUE, north side, from a point 675 feet west of Bellevue Street to a point 210 feet west of Bellevue Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 7:00 AM TO 4:00 PM SCHOOL DAYS BUS LOADING zone:

DECKNER AVENUE, north side, from a point 675 feet west
of Bellevue Street to a point 210 feet west of Bellevue Street

SECTION 8. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2017.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Galvin, seconded by Ald. Scannell to adopt the ordinance.
Moved by Ald. Wery, seconded by Ald. DeWane to hold the ordinance until the
November 14th Council meeting for the fourth reading. Motion carried.

GENERAL ORDINANCE NO. 14-17

AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

ELM STREET, both sides, from Madison Street to Monroe
Avenue

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 19th day of September, 2017.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Moore, seconded by Ald. Scannell to adopt the ordinance.
Roll call: Ayes: Dorff, DeWane, Nicholson, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: None. Motion carried.

COMMITTEE OF THE WHOLE

Consideration with possible action on status of Oneida Seven Generations Litigation.

Ald. Zima read the following:

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Zima, seconded by Ald. DeWane to convene in closed session at 9:18 P.M.

Roll call: Ayes: Dorff, DeWane, Galvin, Nennig, Moore, Scannell, Wery, Zima, Steuer, Vander Leest, Sladek. Noes: Nicholson. Motion carried.

Moved by Ald. Moore, seconded by Ald. Nicholson to reconvene in open session at 9:48 P.M. Motion carried.

Moved by Ald. Moore, seconded by Ald. Scannell to direct staff to continue with negotiations as discussed in closed session.

Roll call: Ayes: Dorff, Galvin, Nennig, Moore, Scannell, Steuer, Sladek. Noes: DeWane, Nicholson, Wery, Zima, Vander Leest. Motion carried.

Moved by Ald. Nicholson, seconded by Ald. DeWane to adjourn at 9:58 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk